

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

NATALIE SOTO,

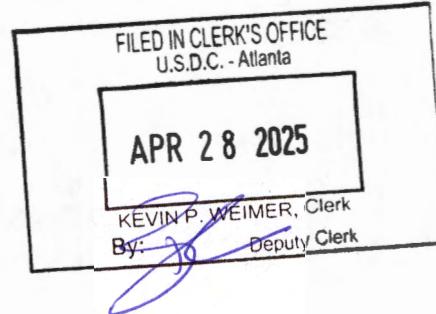
Plaintiff,

v.

WENDELL HOLMES, JR.,

Defendant.

Civil Action No. 1:24-cv-02911-SDG.



**DEFENDANT'S MOTION TO STRIKE PLAINTIFF'S UNAUTHORIZED  
SURREPLY [DOC. 55]**

COMES NOW Defendant Wendell Holmes, Jr., pro se, and pursuant to Local Rule 7.1(C) and the Court's inherent authority, moves to strike Plaintiff's April 21, 2025 filing [Doc. 55], which functions as an unauthorized surreply to Plaintiff's Motion for Summary Judgment.

**1. No Rule or Local Rule Permits a Surreply**

Neither the Federal Rules nor Local Rule 7.1(C) authorizes a second response after a reply brief. Surreplies are allowed only by leave of Court—and only when new arguments first appear in reply. *Byrom v. Delta Family Care*, 343 F. Supp. 2d 1163, 1188 (N.D. Ga. 2004).

**2. Doc. 55 Raises New Argument Without Leave**

Plaintiff's Reply [Doc. 51] presented no new arguments; it simply responded to Defendant's opposition. Doc. 55 now injects new factual claims and legal theories never raised in the motion or reply, in breach of Rule 7.1(C).

**3. Prejudice and Judicial Economy**

Allowing this unauthorized brief undermines the briefing schedule, prejudices Defendant, and risks an endless volley of filings. *Garrison v. Northeast Ga. Med. Ctr.*, 66 F. Supp. 2d 1336, 1340 (N.D. Ga. 1999).

**PRAYER FOR RELIEF**

Defendant respectfully requests the Court:

1. Strike Plaintiff's Doc. 55 in its entirety;
2. Decline to consider any arguments raised therein; and
3. Grant such further relief as is just and proper.

Respectfully submitted this 28th day of April, 2025.



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**Certificate of Service**

I hereby certify that on April 28th, 2025, I filed this Motion to Strike via email, which will serve counsel of record:

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